



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 WS INVESTMENTS, LLC, } Case No. CV 13-6271 UA (DUTYx)
12 Plaintiff, }
13 v. }
14 MARIA SOTO, ET AL., } **ORDER SUMMARILY
15 Defendants. } REMANDING IMPROPERLY-
16 REMOVED ACTION**
17

18 The Court will remand this unlawful detainer action to state court summarily
19 because Defendant removed it improperly.

20 On August 27, 2013, Defendant Melvin Brown, having been sued in what
21 appears to be a routine unlawful detainer action in California state court, lodged a
22 Notice Of Removal of that action in this Court and also presented an application to
23 proceed *in forma pauperis*. The Court has denied the latter application under
24 separate cover because the action was not properly removed. To prevent the action
25 from remaining in jurisdictional limbo, the Court issues this Order to remand the
26 action to state court.
27

28 Simply stated, Plaintiff could not have brought this action in federal court in

1 the first place, in that Defendant does not competently allege facts supplying either
2 diversity or federal-question jurisdiction, and therefore removal is improper. 28
3 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
4 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of
5 citizenship exists, the amount in controversy does not exceed the diversity-
6 jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
7 contrary, the unlawful-detainer complaint recites that the amount in controversy
8 does not exceed \$10,000. Moreover, because Defendant resides in the forum state,
9 Defendant cannot properly remove the action, to the extent diversity jurisdiction is
10 asserted. 28 U.S.C. § 1441(b).

11 Nor does Plaintiff's unlawful detainer action raise any federal legal question.
12 *See* 28 U.S.C. §§ 1331, 1441(b).

13 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
14 Superior Court of California, Los Angeles County, Central District, Stanley Mosk
15 Courthouse, 111 North Hill Street, Los Angeles, CA 90012, for lack of subject
16 matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a
17 certified copy of this Order to the state court; and (3) that the Clerk serve copies of
18 this Order on the parties.

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20 IT IS SO ORDERED.

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22 Dated: 9/5/13

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GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE